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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2011-756*

11 **LEMUEL BATHAN SIBULO**
12 **P.O. Box 4838**
13 **Downey, CA 90241**

A C C U S A T I O N

14 **Registered Nurse License No. 538749**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about November 21, 1997, the Board issued Registered Nurse License Number
24 538749 to Lemuel Bathan Sibulo ("Respondent"). The registered nurse license expired on
25 September 30, 2001.

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4. Code section 118 provides, in pertinent part, that the withdrawal of an application for a license after it has been filed with a board . . . shall not deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any ground.

6. Code section 2761 states, in pertinent part:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action....

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Nevada State Board of Nursing)**

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
4 on the grounds of unprofessional conduct, in that he was disciplined by the Nevada State Board of
5 Nursing ("Nevada Board"), as follows:

6 9. On or about June 4, 2007, pursuant to an Agreement for Probation, in the matter
7 entitled *Lemuel Sibulo, Licensed Professional Nurse, Nevada License No. RN36176*, Case No.
8 0910-06C, the Nevada Board placed Respondent's nursing license on probation.

9 10. The Nevada Board based its Order on the following facts and admissions:

10 a. Between December 2001 and December 2005, Respondent was employed as a
11 registered nurse at Five Star Home Health Agency and subsequently at Guardians Home
12 Health Care Agency.

13 b. Between December 2001 and December 2005, while Respondent was providing
14 home health care, as a registered nurse, to Margaret and/or Francis Denning, Respondent
15 accepted personal checks from Margaret Denning in the following amounts and on the
16 following dates:

- 17 (1) December 16, 2003 \$20,000;
18 (2) January 6, 2003 \$10,500 ;
19 (3) January 24, 2003 \$1,200;
20 (4) May 9, 2003 \$2,000; and
21 (5) March 3, 2005 \$7,000.

22 c. Respondent was charged by the Nevada Board with exploitation of a patient for
23 financial gain and violating professional boundaries.

24 d. Respondent admitted in the Agreement for Probation that while he was the
25 owner/operator and a registered nurse at the two (2) home health agencies described
26 above, he provided nursing care for a client who concurrently invested approximately
27 \$30,000 in the same home health agencies. Respondent admitted this conduct constituted
28 exploitation of a patient for financial gain and violated professional boundaries.

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